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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,196	06/21/2000	Rajesh Vallabh	01-R	6787

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EXAMINER
SMITH, JEFFREY A

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/598,196	VALLABH, RAJESH	
	Examin r	Art Unit	
	Jeffrey A. Smith	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 June 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 June 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

New corrected drawings are required in this application because Figures 12, 15, and 16 are rough and do not observe required margins. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 18, 19, 26, 29, 30, 32, 33, 35, 40-45, 48, 49, 51, 53, 54, 58, and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Domain et al. (U.S. Patent No. 5,158,155).

Domain et al. discloses a method of selling groceries (col. 2, lines 54-57) comprising receiving an online order (col. 3, lines 32-36); electronically processing payment information (col. 7, lines 51-56); retrieving grocery products (col. 15, line 57-col. 16, line 2); detecting arrival of said customer (col. 17, lines 13-21); selecting one of a plurality of loading areas (col. 15, lines 22-25) and directing said customer to said selected areas (col. 15, lines 22-25); moving said grocery products to said selected loading area (col. 19, lines 59-68).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 6-11, 13-16, 20, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domain et al. (U.S. Patent No. 5,158,155) in view of in view of Matsumori (U.S. Patent No. 6,246,998 B1).

Domain et al. does not disclose maintaining the products in generally the same temperature conditions as the products were kept in storage.

Matsumori discloses, in a similar method (col. 2, line 45-col. 3, line 24), a step of maintaining retrieved grocery products in generally the same temperature conditions as said products were kept in a storage area (col. 8, line 55-col. 9, line 6).

It would have been obvious to one of ordinary skill in the art to have provide the method of Domain et al. to have included a step of maintaining the retrieved groceries in generally the same temperature conditions as said products were kept in the storage area in order to maintained various portions of the customer's order in an appropriate environment according to their environmental storage requirements (col. 8, line 55-col. 9, line 6).

Domain does not disclose receiving an order at a Web server.

Matsumori, however, discloses a method of Internet based home shopping employing an Internet access to a grocery system server (col. 2, lines 46-58).

It would have been obvious to one of ordinary skill in the art to have provided the method of Domain et al. to have

included receiving the order at a web server from a remote client machine (as taught by Matsumori) as such server would have provided enhanced functionality such as merchandise browsing (col. 3, line 65-col. 4, line 13) not otherwise available via the remote telephone ordering already taught by Domain et al.

Claims 3-5, 17, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domain et al. (U.S. Patent No. 5,158,155) and Matsumori (U.S. Patent No. 6,246,998 B1) as applied to claim 1 and 13 above, and further in view of Hall et al. (U.S. Patent No. 6,026,375).

The combination of Domain et al. and Matsumori does not provide a wireless client machine or an identification device.

Hall et al., in a similar method (col. 1, lines 5-12), discloses a client machine comprising a wireless communications and identification device located in a vehicle (col. 5, lines 48-65).

It would have been obvious to one of ordinary skill in the art to have provided the combined method of Domain et al. and Matsumori to have included a wireless communications and identification device (of the type disclosed by Hall et al.) in order to have provided enhanced functionality such as mobile

order placement and customer arrival detection (Hall et al.: col. 5, lines 8-30) in order to have provided highly expedited services to customers in a mobile environment and to have eliminated or greatly reduced the time the customer spends waiting to receive goods (col. 1, lines 5-21).

Claims 21, 27, 28, 31, 34, 36-39, 55, 57, 60, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domain et al. (U.S. Patent No. 5,158,155) in view of Ruppert et al. (U.S. Patent No. 5,640,002).

Domain et al. does not disclose placing said products in a container having an identification tag. Domain et al. does disclose that a vendor will assemble an order and place them in a box or bag carrier and then send the order to a goods compilation area where other orders are compiled for the customer. The compiled order is checked by employees against a list of total ordered items (col. 19, lines 23-68).

Ruppert et al. discloses, in a similar method (col. 40, lines 47-67), discloses tagging a bag to identify the contents (col. 41, lines 26-30).

It would have been obvious to one of ordinary skill in the art to have provided the method of Domain et al. to have included the step of placing the products in a container having

an identification tag and associating the tag to the order (as taught by Ruppert et al. so that the various boxed or bagged orders of Domain et al. could have been readily identified for compilation into a total purchased order (such as already disclosed by Domain et al.).

Ruppert et al. does not disclose that the container comprises an electronic display.

However, to have modified the Ruppert et al. tag already taught to have included an electronic display would have been obvious to one of ordinary skill in the art in order to have provided a visually discernable readout such that employees compiling the orders into a total order could have readily identified the particular containers.

Domain et al. does not disclose receiving an input on a keypad identifying a customer or receiving an input using a machine reader to read a card.

Ruppert et al, however, discloses that a customer types a PIN number into a special PIN terminal in the customer pickup area (col. 40, lines 55-58).

It would have been obvious to one of ordinary skill in the art to have provided the method of Domain et al. to have included the step of receiving an input on a keypad identifying a customer such that the customer may be authenticated and the

pickup clerk may release the order to the proper customer (col. 40, lines 55-67).

Although Ruppert et al. does not disclose a card reader for the above purpose, Ruppert et al. does teach that a customer is issued a magnetic stripe card when invited to join their program (col. 38, line 53-col. 39, line 5).

It would have been obvious to have employed a magnetic card reader to have read the program issued customer card in lieu of receiving PIN number input from the customer (as previously discussed) as such machine reader input mechanism would have amounted to the mere substitution of an equivalent input means for the purpose of authenticating the customer upon pickup of the purchased order.

Domain et al. does not disclose detecting whether the customer is attempting to leave with a container.

Ruppert et al. discloses that their method includes detecting whether a customer is attempting to leave a given location with a container, and if so, alerting the customer to return said container (col. 38, lines 23-44).

It would have been obvious to one of ordinary skill in the art to have provided the method of Domain et al. to have included the step of detecting whether a customer is attempting to leave a given location with a container, and if so, alerting

the customer to return said container (as taught by Ruppert et al.) in order to have prevented unauthorized removal of the container.

Domain et al. does not disclose registering the customer.

Ruppert et al., however, discloses that their system includes a customer program which customers may join (col. 39, lines 2-5). Background checks are conducted (col. 38, line 66-col. 2) and the customer is issued a customer ID (col. 39, lines 6-9). Buyer profile is established (col. 39, lines 50-57).

It would have been obvious to one of ordinary skill in the art to have provided the method of Domain et al. to have included the steps of registering the customer, receiving customer username and password information, receiving contact information, and receiving buyer profile information in order to have assembled such information in a program database such that customer transactions could have been greatly expedited (col. 39, lines 55-56).

Claims 46, 55, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domain et al. (U.S. Patent No. 5,158,155) in view of Hall et al. (U.S. Patent No. 6,026,375).

Domain et al. does not disclose receiving customer information on what time the customer wishes to pick up the product.

Hall et al., however, discloses that their method comprises a step of receiving from the customer information on approximately what time the customer wishes to pick up the product (col. 9, lines 43-46).

It would have been obvious to one of ordinary skill in the art to have provided the method of Domain et al. to have included the step of receiving from the customer information on approximately what time the customer wishes to pick up the product (as taught by Hall et al.) in order to have satisfactorily satisfied the customer's needed time frame for the ordered products (col. 9, lines 43-46).

Domain et al. does not provide identification device.

Hall et al., however, discloses a client machine comprising an identification device located in a vehicle (col. 5, lines 48-65).

It would have been obvious to one of ordinary skill in the art to have provided the method of Domain et al. to have included an identification device (of the type disclosed by Hall et al.) in order to have provided enhanced functionality such as customer arrival detection (Hall et al.: col. 5, lines 8-30) in

order to have provided highly expedited services to customers in a mobile environment and to have eliminated or greatly reduced the time the customer spends waiting to receive goods (col. 1, lines 5-21).

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Domain et al. (U.S. Patent No. 5,158,155) and Hall et al. (U.S. Patent No. 6,026,375), as applied to claim 46, and further in view of Official Notice.

The combined method of Domain et al. and Hall et al. does not provide the step of charging the customer a fee based on when the customer wishes to pick up the ordered product.

However, Official Notice is taken that it is notoriously well-known for businesses to provide "rush service" for orders required in short time. For example, many known couriers establish rates based on the immediacy of the service desired. Rates routinely are established which charge the customer a premium fee for "rush service" versus "normal service". Such rates reflect the urgency that the courier must treat the service in dedicating resources and manpower to the desired task.

Accordingly, it would have been obvious to one of ordinary skill in the art to have provided the combined method of Domain

et al. and Hall et al to have included the step of charging the customer a fee based on when the customer wishes to pick up the order product in order to have received appropriate compensation for the level of service desired by the customer.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jenkins (U.S. Patent No. 5,186,281) discloses a method for retail checkout including the transmission of information to a stock retrieval system to cause selected articles to be taken from a stocking area and moved to an appropriate receptacle (col. 5, lines 1-5).

Roach et al. (U.S. Patent No. 5,434,394) discloses an automated order and deliver system including a customer pickup label for a selected item (col. 17, lines 7-12).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is 703-308-3588. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be

reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-308-3691 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Jeffrey A. Smith
Primary Examiner
Art Unit 3625

jas
March 23, 2003